

# European Commission failed to implement properly Article 17 in EHF case says EU Ombudsman

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On 18 October 2011, the European Humanist Federation (EHF – to which the NSS is affiliated) submitted a complaint to the European Ombudsman arguing that the European Commission was refusing to comply with the Article 17:3 of the Treaty on the Functioning of the EU (TFEU) which requires the EU to conduct a "regular, open and transparent dialogue with churches, religious communities as well as philosophical and non-confessional organisations."

A few month earlier, in March 2011, the EHF had proposed a dialogue seminar to discuss the problems arising from religious exemptions in EU directives against discrimination but the Commission refused to discuss the subject on the grounds that it was going "beyond the spirit of Article 17". The EHF made several attempts to obtain a shift in the Commission's position, culminating in a letter to President Barroso, which produced no result. The EHF was left with no other choice than lodging a complaint to the European Ombudsman, Mr Nikiforos Diamandouros.

In the decision closing his inquiry published on 25 January 2013, the EU ombudsman agreed with the European Humanist Federation. His letter states that "the Commission failed properly to implement Article 17 (3) TFEU (which) constitutes an instance of maladministration". Beyond this specific case, the EHF was seeking to obtain from the EU Commission clear guidelines on how they intend to implement Article 17. Following EHF's view, the EU ombudsman inserted a further remark in his decision: "taking into account the Ombudsman's findings, the Commission should clarify its practices and rules in this area, and, if necessary draw up guidelines indicating how exactly it plans to implement Article 17 TFEU."

The EHF welcomes the EU ombudsman's decision and hopes it will lead to a more balanced approach towards humanists in the implementation of Article 17.

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